

AMENDED IN SENATE JUNE 21, 2010

AMENDED IN ASSEMBLY APRIL 27, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2524

Introduced by Assembly Member Evans

February 19, 2010

An act to amend, repeal, and add Section 9004 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 2524, as amended, Evans. Elections: initiative measures.

Under existing law, a petition for an initiative or referendum measure may not be circulated for signature until a draft of the measure is submitted to the Attorney General for preparation of a circulating title and summary.

This bill would revise this procedure on July 1, 2011. The bill would require the Attorney General, before preparing a circulating title and summary for an initiative measure, to forward it to the Secretary of State. The bill would require that the Secretary of State post the measure on his or her Internet Web site for a period of 30 days, during which the public would be permitted to post comments concerning the measure. The bill would permit the proponents of the measure, no earlier than 30 days or more than 120 days after it is posted, to direct the Attorney General, in writing, to prepare a circulating title and summary of the measure as originally drafted, to prepare a circulating title and summary of a revised measure, or to post a revised measure on the Secretary of State's Internet Web site for an additional 30-day review period.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 9004 of the Elections Code is amended
2 to read:
3 9004. (a) Upon receipt of the text of a proposed initiative
4 measure, the Attorney General shall prepare a circulating title and
5 summary of the chief purposes and points of the proposed measure.
6 The circulating title and summary shall not exceed a total of 100
7 words. The Attorney General shall also provide a unique numeric
8 identifier for each proposed initiative measure. The circulating
9 title and summary shall be prepared in the manner provided for
10 the preparation of ballot titles and summaries in Article 5
11 (commencing with Section 9050), the provisions of which, in
12 regard to the preparation, filing, and settlement of ballot titles and
13 summaries, are hereby made applicable to the circulating title and
14 summary.
15 (b) The Attorney General shall provide a copy of the circulating
16 title and summary and its unique numeric identifier to the
17 proponents and to the Secretary of State within 15 days after receipt
18 of the fiscal estimate or opinion prepared by the Department of
19 Finance and the Joint Legislative Budget Committee pursuant to
20 Section 9005. The date the copy is delivered or mailed to the
21 proponents is the “official summary date.”
22 (c) Upon receipt of the circulating title and summary from the
23 Attorney General, the Secretary of State shall, within one business
24 day, notify the proponents and county elections official of each
25 county of the official summary date and provide a copy of the
26 circulating title and summary to each county elections official.
27 This notification shall also include a complete schedule showing
28 the maximum filing deadline, and the certification deadline by the
29 counties to the Secretary of State.
30 (d) This section shall become inoperative on July 1, 2011, and,
31 as of January 1, 2012, is repealed, unless a later enacted statute,
32 that becomes operative on or before January 1, 2012, deletes or
33 extends the dates on which it becomes inoperative and is repealed.
34 SEC. 2. Section 9004 is added to the Elections Code, to read:

1 9004. (a) (1) Upon receipt of the text of a proposed initiative
2 measure, the Attorney General shall forward a copy to the Secretary
3 of State. The Secretary of State shall post the proposed initiative,
4 including the names of its proponents, on the Secretary of State's
5 Internet Web site for 30 days to facilitate public comment on the
6 measure.

7 (2) Any person may comment on the text of the proposed
8 initiative through the Secretary of State's Internet Web site. All
9 comments shall be public and shall remain on the Internet Web
10 site for at least 90 days after the proposed initiative is posted.

11 (3) No earlier than 30 days or more than 120 days after the text
12 of a proposed initiative has been posted on the Secretary of State's
13 Internet Web site, the proponents of the proposed initiative may
14 direct the Attorney General in writing to prepare a circulating title
15 and summary of the proposed initiative as originally presented,
16 prepare a circulating title and summary of the revised text, or post
17 the revised text on the Secretary of State's Internet Web site for
18 another 30-day review period.

19 (4) The provisions of this subdivision do not apply to referendum
20 measures.

21 (5) *This subdivision does not alter or expand the existing duties*
22 *or authority of the Secretary of State regarding the substance of*
23 *the proposed initiative measures. The Secretary of State may post*
24 *an advisory on his or her Internet Web site to inform the public*
25 *that the comments provided are nonbinding and that the Secretary*
26 *of State may not require proponents to incorporate suggestions.*

27 (b) Upon receipt of the proponent's direction pursuant to
28 subdivision (a), or in the case of a referendum measure, upon
29 receipt of a draft of the petition, the Attorney General shall prepare
30 a circulating title and summary of the chief purposes and points
31 of the proposed measure. The circulating title and summary shall
32 not exceed a total of 100 words. The Attorney General shall also
33 provide a unique numeric identifier for each proposed initiative
34 measure. The circulating title and summary shall be prepared in
35 the manner provided for the preparation of ballot titles and
36 summaries in Article 5 (commencing with Section 9050), the
37 provisions of which, in regard to the preparation, filing, and
38 settlement of ballot titles and summaries, are hereby made
39 applicable to the circulating title and summary.

1 (c) The Attorney General shall provide a copy of the circulating
2 title and summary and its unique numeric identifier to the
3 proponents and to the Secretary of State within 15 days after receipt
4 of the fiscal estimate or opinion prepared by the Department of
5 Finance and the Joint Legislative Budget Committee pursuant to
6 Section 9005. If during the 15-day period, the proponents of the
7 proposed initiative measure submit amendments, other than
8 technical, nonsubstantive amendments, to the final version of the
9 measure, the Attorney General shall provide a copy of the
10 circulating title and summary to the Secretary of State within 15
11 days after receipt of the amendments. The date the copy is delivered
12 or mailed to the proponents is the “official summary date.”

13 (d) Upon receipt of the circulating title and summary from the
14 Attorney General, the Secretary of State shall, within one business
15 day, notify the proponents and county elections official of each
16 county of the official summary date and provide a copy of the
17 circulating title and summary to each county elections official.
18 This notification shall also include a complete schedule showing
19 the maximum filing deadline, and the certification deadline by the
20 counties to the Secretary of State.

21 (e) This section shall become operative on July 1, 2011.